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9 Federal Trade Commission

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 **FEDERAL TRADE COMMISSION,**

13 **Plaintiff,**

14 **vs.**

15 **MICHAEL BRUCE MONEYSMAKER, a/k/a**
16 **Bruce Money maker, Mike Smith, and Michael**
17 **Bruce Millerd, individually, as an officer and**
18 **director of the corporate defendants, and also**
doing business as Fortress Secured,

19 **DANIEL DE LA CRUZ, individually, as an**
20 **officer and director of the corporate**
defendants, and also doing business as Fortress
Secured,

21 **BELFORT CAPITAL VENTURES, INC., a**
22 **corporation,**

23 **DYNAMIC ONLINE SOLUTIONS, LLC, a**
limited liability company,

24 **HSC LABS, INC., a corporation,**
25

Case No. 2:11-cv-00461-JCM-CWH

**RED DUST STUDIOS, INC., a corporation,
SEASIDE VENTURES TRUST, individually
and as an officer and director of the corporate
defendants, and
JOHN DOE NO. 1, in his capacity as trustee of
Seaside Ventures Trust,
Defendants.**

JOINT MOTION TO STAY PENDING SETTLEMENT

The Federal Trade Commission (“FTC”) and Defendants, through their counsel, move this Court to stay all dates and deadlines set by the Court’s Discovery Plan and Scheduling Order entered on June 28, 2011 (Dkt. No. 74) and the Amended Discovery Plan and Scheduling Order entered on September 2, 2011 (Dkt. No. 95), for ninety (90) days pending settlement between the parties. A deadline within a scheduling order may be modified for good cause. Fed. R. Civ. P. 16(b)(4); LR 26-4. Good cause for the stay is shown by the following:

1. The above captioned case was filed on March 28, 2011. Concurrent with filing the Complaint, the FTC sought an *ex parte* temporary restraining order (“TRO”) against Defendants, which the Court entered on the same day, and then modified on March 29, 2011.
2. On April 15, 2011 the Court entered a preliminary injunction following a hearing on the matter.
3. The parties have since that time diligently pursued discovery and engaged in settlement discussions.
4. The discovery cut-off is October 31, 2011, which is also the last day the Commission could seek leave to add Defendant Michael Bruce Moneymaker’s wife, Claudia Alvarez, as a relief defendant.

- 1 5. On October 27, 2011, each of the Defendants signed a Stipulated Order for
2 Injunction and Monetary Judgment that, if approved by the Commission and the
3 Court, would resolve the need for any further proceedings.
- 4 6. The FTC is an independent federal agency. Therefore, all settlements negotiated
5 by counsel and signed by Defendants must be approved by the Director of the
6 Bureau of Consumer Protection and then considered and voted on by the five
7 member Commission. The Commission's consideration of the Stipulated Order
8 for Injunction and Monetary Judgment likely will take several weeks.
- 9 7. It would be a waste of judicial resources, as well as those of the parties, to address
10 potential discovery disputes, to address whether to add additional parties, or
11 process lengthy dispositive motions with numerous supporting exhibits when
12 final settlement is likely.
- 13 8. For these reasons, the parties request that the Court stay all dates and deadlines
14 for ninety (90) days with respect to the parties. The parties recognize, however,
15 that the stay would not affect the activities or filings of the Receiver.

1 For these reasons, the FTC and Defendants request the Court grant their joint motion to
2 stay all dates and deadlines with respect to the parties for ninety (90) days pending settlement.
3

4 Respectfully submitted,

5 Dated: October 28, 2011

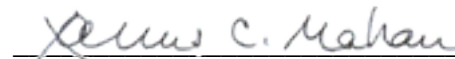
6 /s/ Robin L. Moore
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21 Attorney for Defendants Michael Bruce
22 Moneymaker; Daniel de la Cruz; Belfort
23 Capital Ventures, Inc.; Dynamic Online
24 Solutions LLC; Red Dust Studios, Inc.; HSC
25 Labs, Inc.; and Seaside Ventures Trust

IT IS SO ORDERED:

21 
22 United States District Judge

23 this 28th day of October, 2011.

CERTIFICATE OF SERVICE

I, Robin L. Moore, hereby certify that on October 28, 2011 I caused the foregoing Joint Motion to Stay Pending Settlement to be served upon the following parties by electronic filing:

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Dated: October 28, 2011

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